

ESTTA Tracking number: **ESTTA143696**

Filing date: **06/01/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177336
Party	Defendant Bainbridge Capital, Inc. Bainbridge Capital, Inc. Suite 500, #5003 4660 LaJolla Village Dr. San Diego, CA 92122
Correspondence Address	GARY J. NELSON CHRISTIE, PARKER & HALE, LLP Post Office Box 7068 PASADENA, CA 91109-7068 UNITED STATES pto@cph.com
Submission	Answer
Filer's Name	Gary J. Nelson
Filer's e-mail	pto@cph.com
Signature	/Gary J. Nelson/
Date	06/01/2007
Attachments	Answer to Ntc of Opposition.pdf ( 4 pages )(102415 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

East West Bank	Opposition No. 91177336
Opposer,	
v.	<b>ANSWER TO NOTICE OF OPPOSITION</b>
Bainbridge Capital, Inc.	Mark: BAINBRIDGE
Applicant.	Serial No.: 78/844,125
	Filed: March 23, 2006

Applicant Bainbridge Capital, Inc. ("Applicant" or "BCI") submits its Answer to Opposer East West Bank's ("Opposer" or "EWB") Notice of Opposition in the above-identified Opposition proceeding pending before the United States Trademark Trial and Appeal Board. The numbers of the following paragraphs correspond to the paragraph numbers in the Notice of Opposition:

1. BCI admits the allegations contained in Paragraph 1 of the Notice of Opposition.
2. BCI lacks information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition, and therefore denies the allegations.
3. BCI lacks information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition, and therefore denies the allegations.
4. BCI admits the allegations contained in Paragraph 4 of the Notice of Opposition.
5. The allegations in Paragraph 5 are vague as to what dates they refer, so BCI lacks information sufficient to form a belief as to the truth of those allegations and therefore denies

them. BCI denies all remaining allegations contained in Paragraph 5 of the Notice of Opposition.

6. BCI denies the allegations contained in Paragraph 6 of the Notice of Opposition.

7. BCI denies the allegations contained in Paragraph 7 of the Notice of Opposition.

8. BCI admits that if registration of the subject mark of the opposed application were granted, it would obtain at least *prima facie* exclusive rights to use its mark. BCI denies the remaining allegations contained in paragraph 8 of the Notice of Opposition.

9. BCI admits the allegations contained in Paragraph 9 of the Notice of Opposition.

10. BCI admits that it operates a website at [www.bainbridgecapital.com](http://www.bainbridgecapital.com) and that one of the web pages at that URL address contains the text quoted in Paragraph 10 of the Notice of Opposition. BCI denies all remaining allegations contained in Paragraph 10 of the Notice of Opposition.

11. BCI denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. BCI denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. BCI denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. BCI expressly denies the allegation contained in Paragraph 14 of the Notice of Opposition that it made willful and material misrepresentations in its application. BCI denies all remaining allegations contained in Paragraph 14 of the Notice of Opposition.

15. BCI admits that Opposer appears to be alleging that BCI committed fraud on the USPTO. BCI expressly denies this allegation. BCI denies all remaining allegations contained in Paragraph 15 of the Notice of Opposition.

**AFFIRMATIVE DEFENSES**

1. Opposer is barred from the relief sought by the equitable doctrine of laches.
2. Opposer is barred from the relief sought by the equitable doctrine of acquiescence.
3. Opposer is barred from the relief sought by the equitable doctrine of estoppel.

WHEREFORE, applicant requests that the opposition be dismissed with prejudice and that applicant's mark (United States Trademark Application Serial No. 78/844,125) be registered in due course.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date 5/31/07

By Gary J. Nelson  
Gary J. Nelson  
Attorneys for Applicant  
P.O. Box 7068  
Pasadena, California 91109-7068  
626/795-9900

SEL/cg

SEL PAS739696.1-\* -05/31/07 1:49 PM

**CERTIFICATE OF MAILING AND SERVICE**

I certify that on June 1, 2007, the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being electronically filed with:

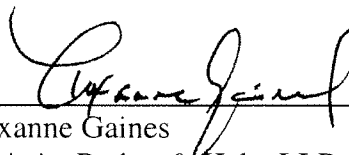
Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

It is further certified that on June 1, 2007, the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

Thomas T. Chan  
Ronald M. St. Marie  
Ivan Posey  
Lisa A. Karczewski  
CHAN LAW GROUP, LLP  
1055 West 7th Street, Suite 1880  
Los Angeles, California 90017

Attorneys for Opposer

By



Roxanne Gaines  
Christie, Parker & Hale, LLP  
P.O. Box 7068  
Pasadena, CA 91109-7068